Tribal Perspectives on the Columbia River Treaty

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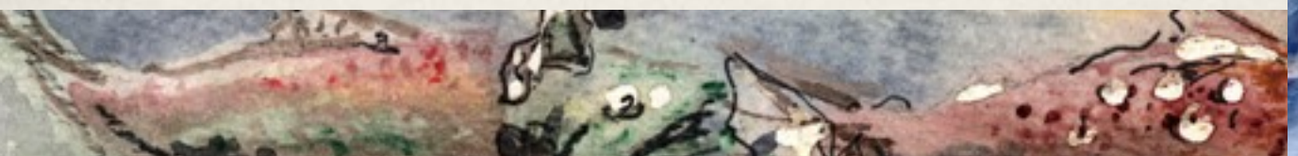
Columbia River Inter-Tribal Fish Commission

Fostering a culture of abundant salmon since time immemorial

Natural Resources are Central to Tribal Culture



First Foods

“…the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them: together with the privilege of hunting, gathering roots and berries….”

—1855 Treaty with the Yakima

Four Tribes' Ceded Lands Combined

- 66,591 square miles
- More than 25% of the entire Columbia Basin
- 55% of the rivers and streams that are still accessible to salmon
- Includes almost all of the salmon habitat above Bonneville Dam

Yakama

Nez Perce

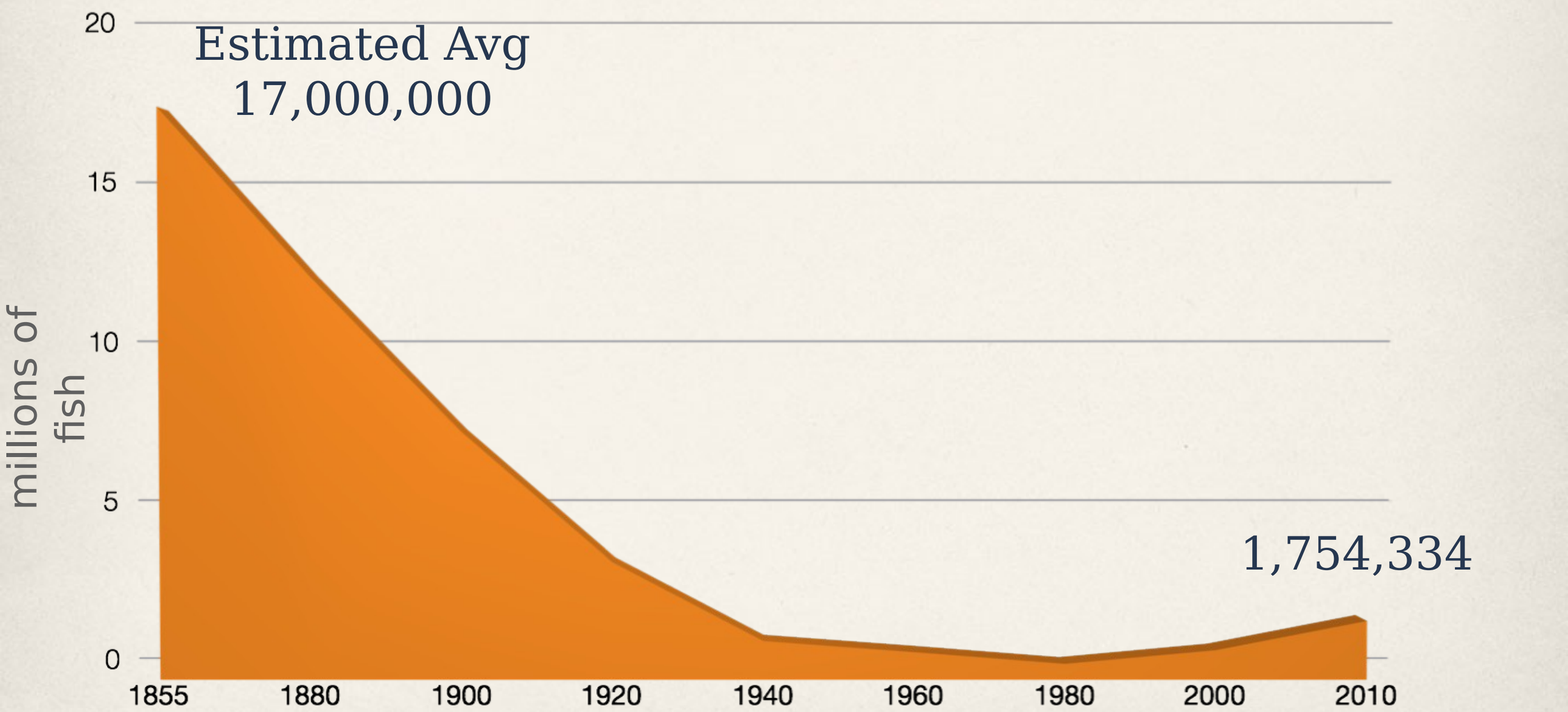
Umatilla

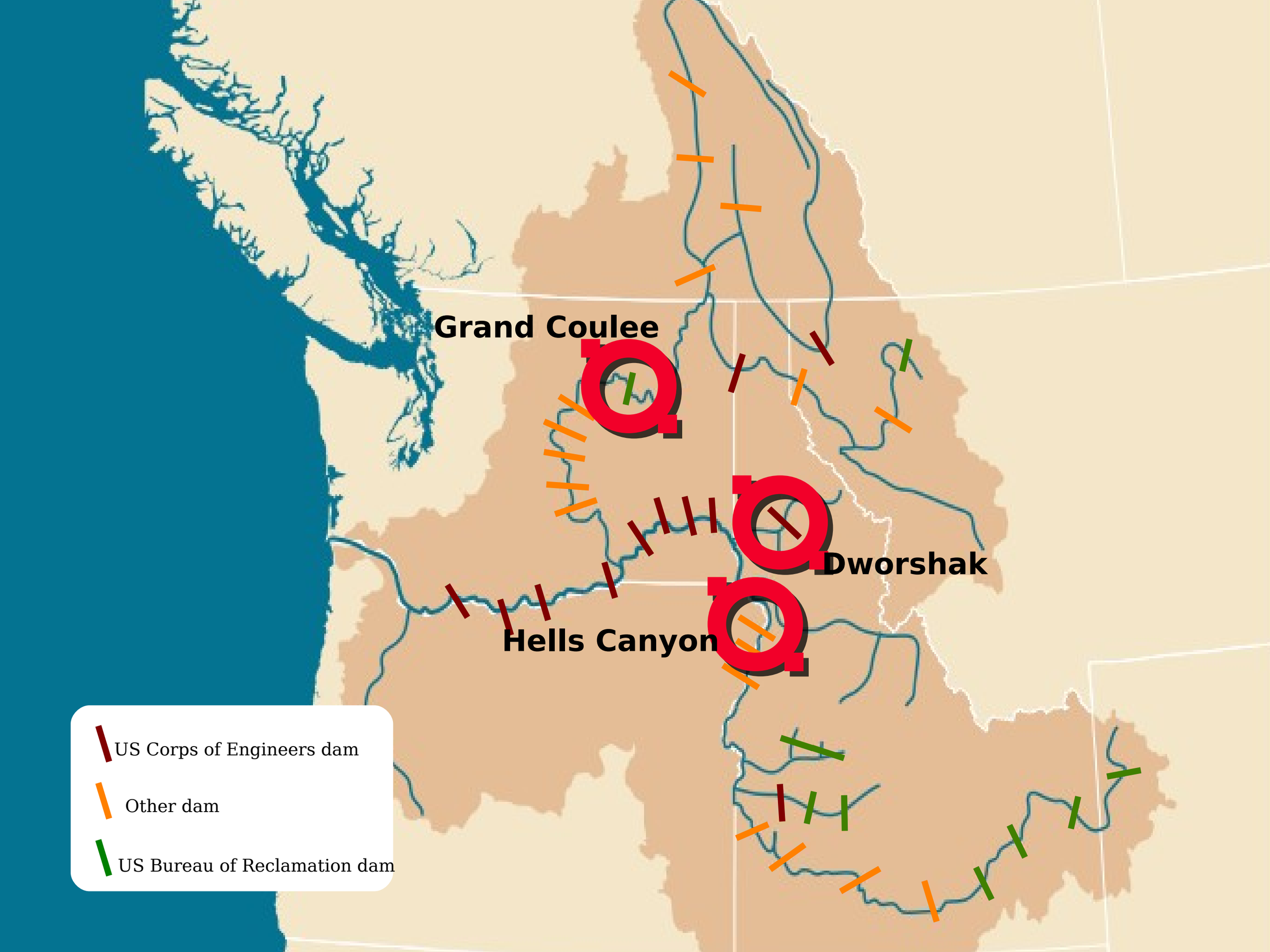
Warm Springs

Confederated Tribes of the Warm Springs Indian Reservation of Oregon

Salmon decline

Returning Columbia River salmon (chinook, steelhead, sockeye, coho)




Grand Coulee
Dworshak
Hells Canyon
US Corps of Engineers dam
Other dam
US Bureau of Reclamation dam

Kettle Falls tribal fishery

On the Columbia River in Washington State *(inundated by Grand Coulee Dam in 1940)*

Impacts from dramatic reservoir level changes

Spokane River in Washington State, impacts from Grand Coulee Reservoir Drawdown *(cultural resources and contaminated dust)*

Fish and Wildlife Impacts

On the Upper Snake River in Idaho *(salmon blockage in 1901)*
Loss of salmon impacted wildlife and other ecosystem functions

Celilo Falls tribal fishery

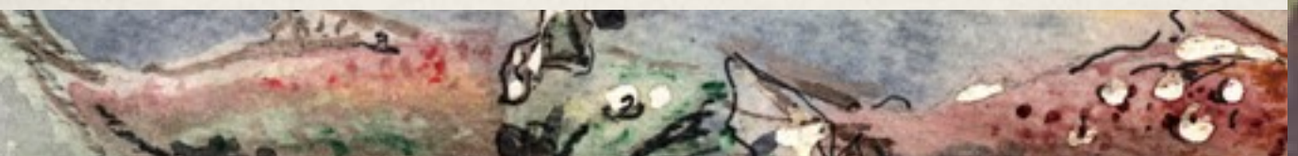
On the Columbia River near The Dalles, Oregon *(inundated by The Dalles Dam in 1957)*

Wy-Kan-Ush-Mi Wa-Kish-Wit

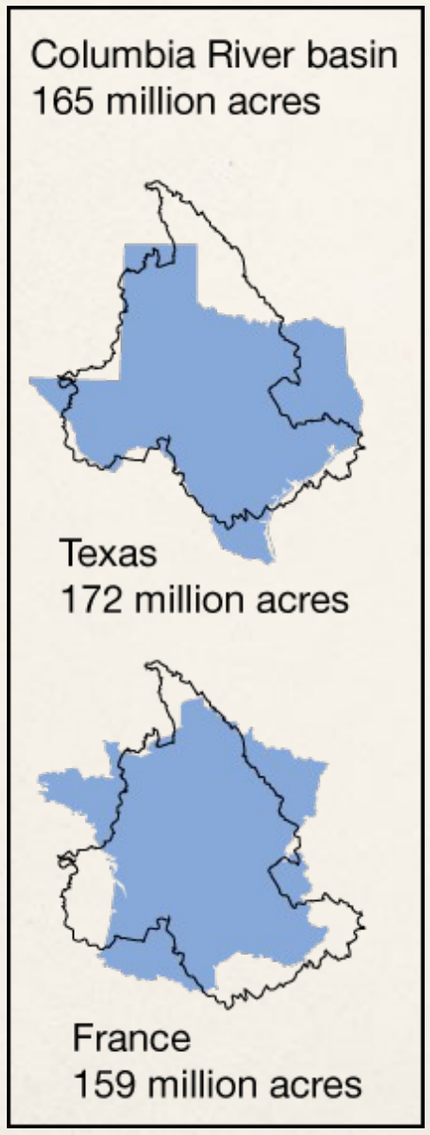
“Spirit of the Salmon” 1995 · Goal of 4 million salmon returning by 2020

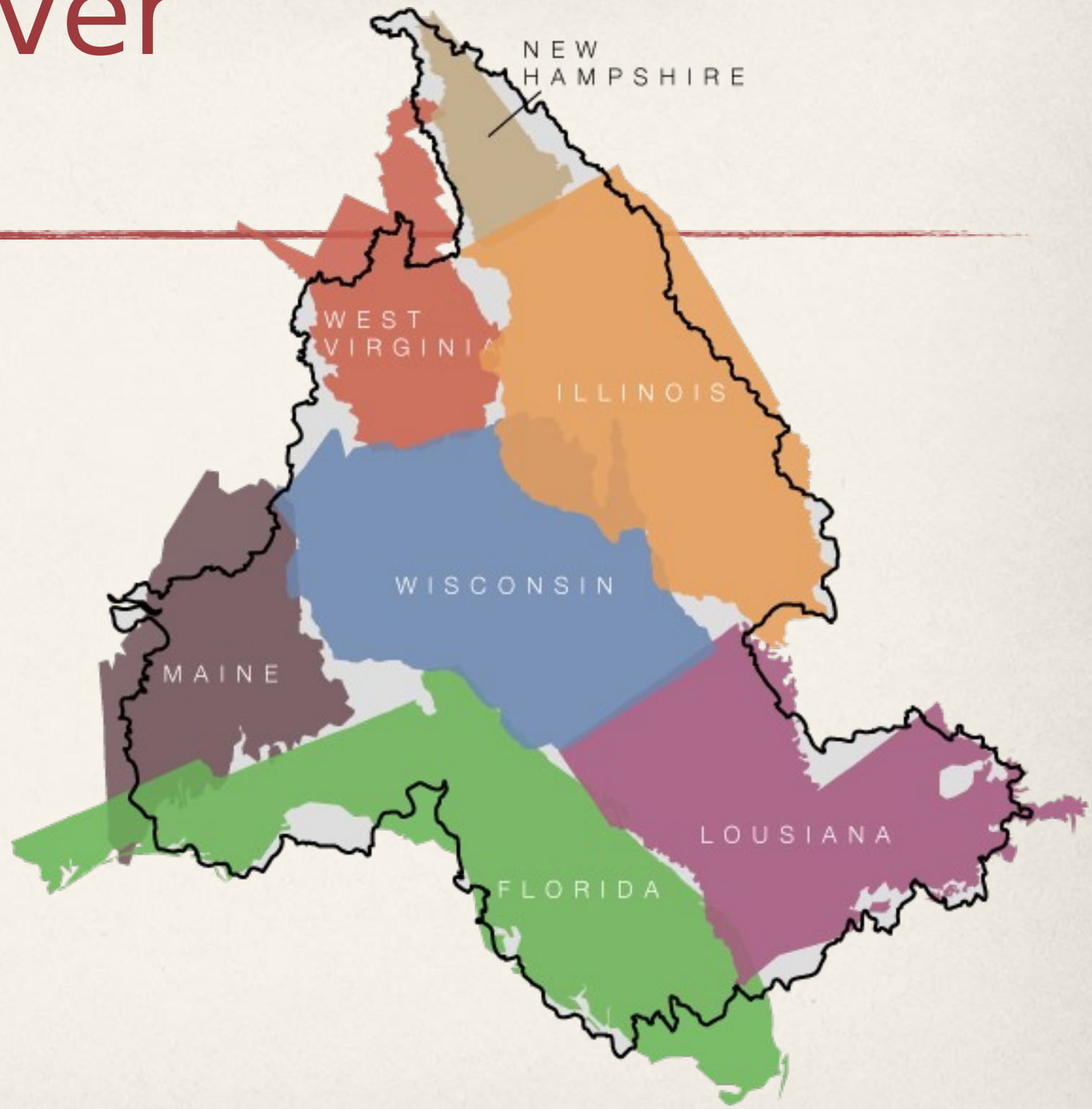
Tribal Lifestyles are Not Relics of the Past

Warm Springs tribal lamprey harvest in Oregon City, Oregon



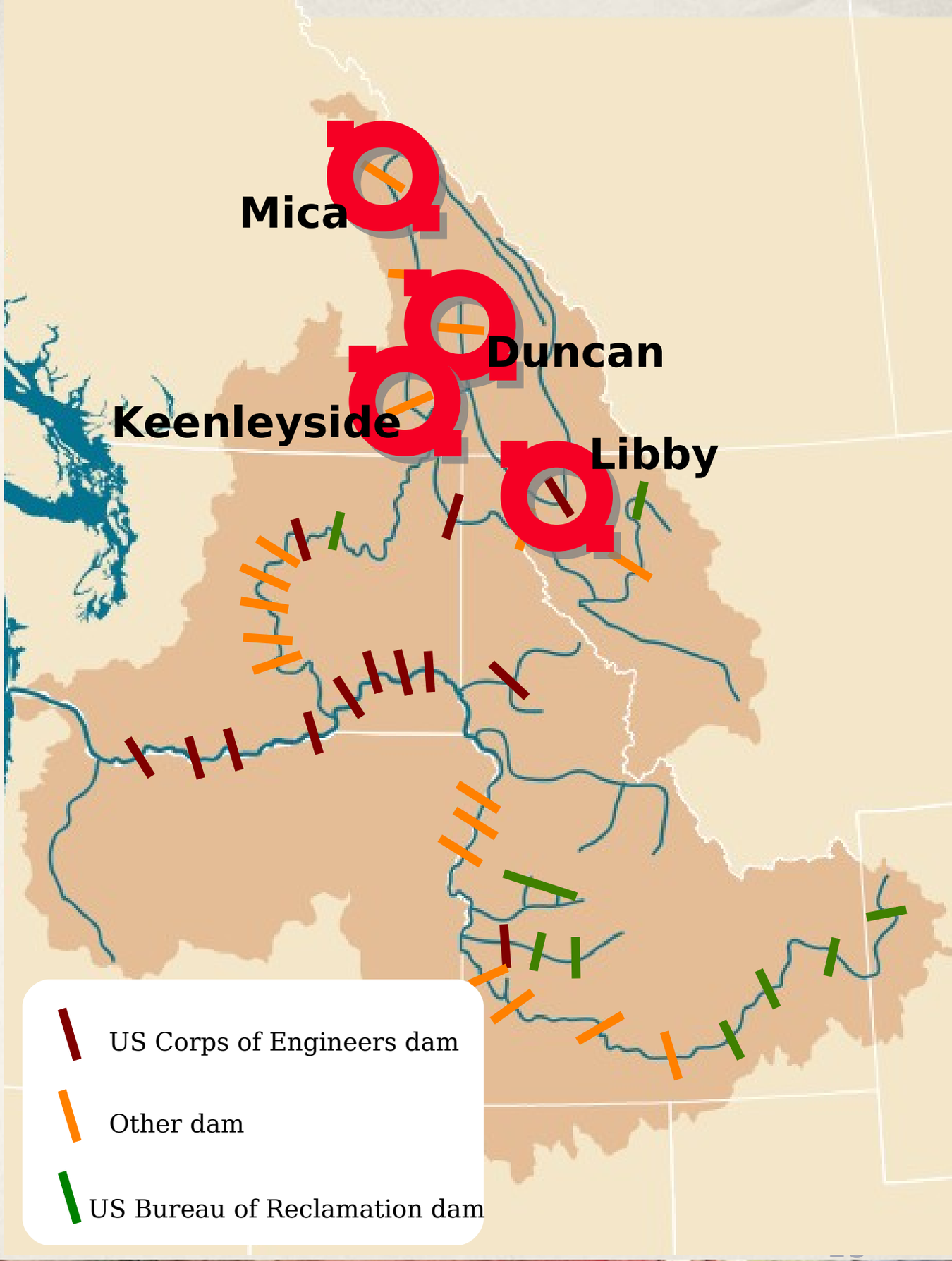
Columbia River Basin





Columbia River Treaty

- Treaty came into force in 1964, no end date.
- Canada builds three dams, U.S. gets to build Libby.
- Twin goals: optimize hydropower and coordinate flood control.
- With a 10 year notice, Treaty may be terminated starting in 2024 (Sept 2014).



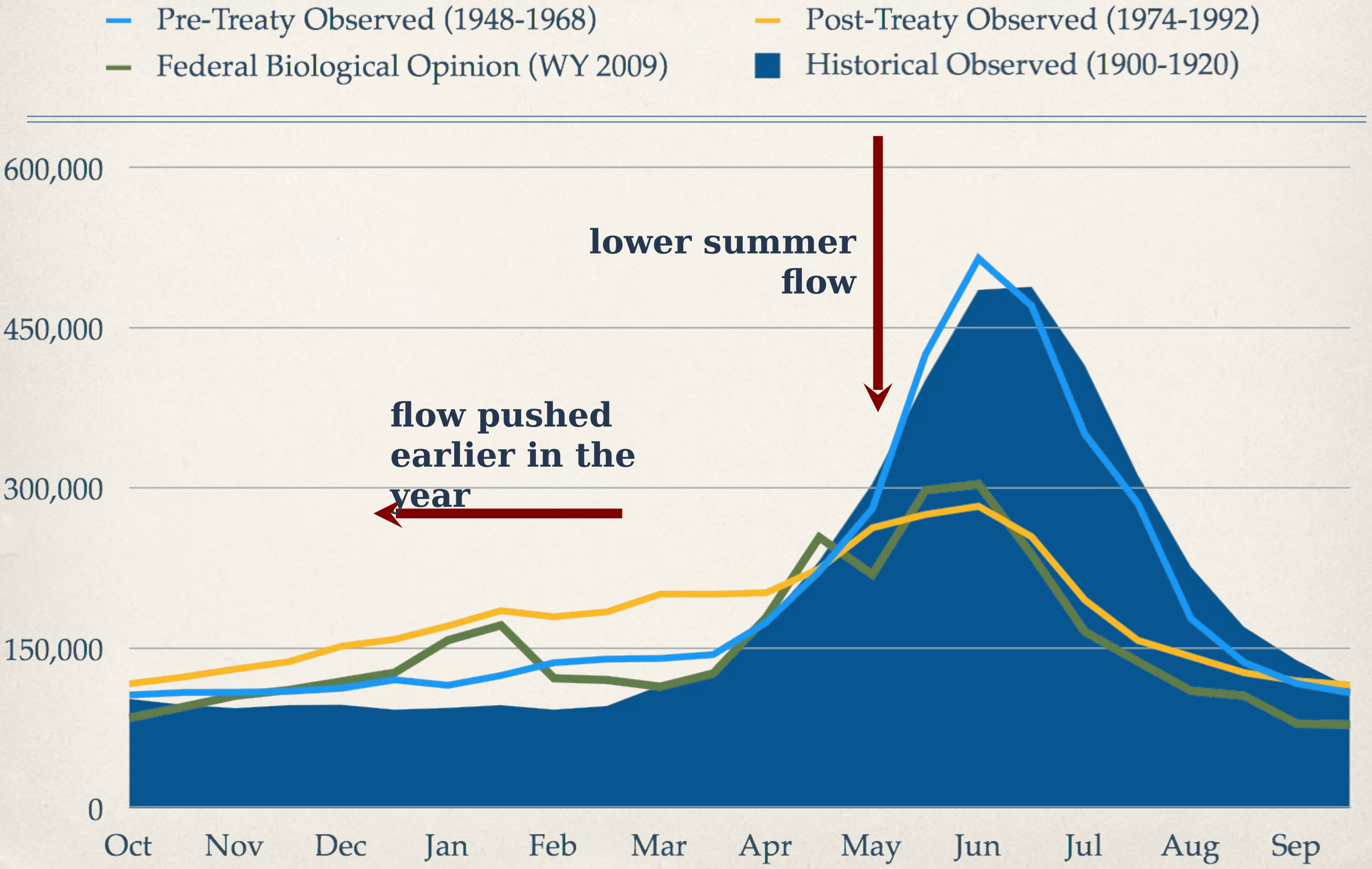
Under current Treaty terms:

- Canada builds three dams with 15.5 million acre feet (maf) of storage, U.S. builds Libby Dam with 5 maf of storage.
- Through 2024 Canada provides 8.95 maf of assured storage for U.S. flood risk management.
- After 2024, Canada no longer provides assured flood storage but is still obligated to provide “Called Upon” flood control storage but:
  - U.S. must first manage its entire storage system for flood control (“Effective Use”); and,
  - U.S. must pay Canada for lost revenue and operations costs.

Under current Treaty terms:

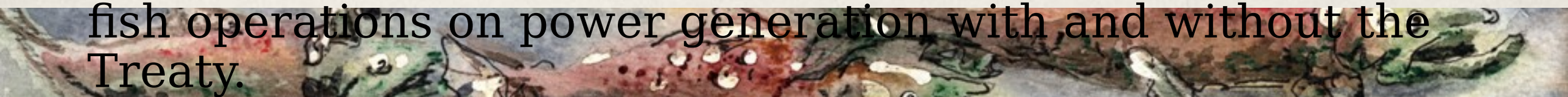
- U.S. and Canada obligated to coordinate hydropower operations to optimize power production.
- Additional power created as a result of new Canadian storage is referred to as downstream power benefits.
- Canada receives 50% of downstream power benefits, called the “Canadian Entitlement”
- U.S. purchased first 30 years of Canadian Entitlement but now returns this power to Canada, valued at about $250 to $350 million per year

River level at The Dalles



Columbia River Treaty 2014/2024 Review

- U.S. Entity completes Phase 1 of the Treaty Review with the Canadian Entity, August 2010. These fundamental studies only addressed basic power and flood control issues with and without the Treaty but provide a common platform for additional studies:
  - Explores implementation of "Called Upon" operations with Canada and "Effective Use" of U.S. reservoirs for flood risk management after 2024,
  - Compares maximum flow alternatives at The Dalles (450 and 600 kcfs),
  - Compares coordinated and uncoordinated power operations.
- U.S. Entity issues a Supplemental Report, September 2010, that explores effects of ESA Biological Opinions and other fish operations on power generation with and without the Treaty.



Columbia River Treaty 2014/2024 Review

- U.S. Entity continues Treaty Review but does not continue joint review with Canada at this time, starts outreach with sovereigns and stakeholders.
- U.S. Entity sets goal of sending a recommendation on future of Treaty to the U.S. Department of State by September 2013.
- Columbia Basin tribes meet with U.S. Entity in July 2010, results in creation of Sovereign Participation Process, setting goals for Treaty Review:
  - Utilize Sovereign Participation Process to develop collaborative, consensus based recommendation to the U.S. Department of State,
  - Incorporate Ecosystem based functions equal with power and flood risk management operations, and
  - Analyze capability to restore salmon throughout basin over time.

Sovereign Participation Process

- U.S. Entity works with Columbia Basin tribes to establish a process for the regional sovereigns to participate in the Treaty Review

- Three – tiered process:
  - Government-to-Government tier – Decision-makers - Federal Government (1), 15 tribes, 4 States
  - Sovereign Review Team - Coordination and guidance level – 5 tribal designees, 4 state designees, 10 federal designees for 11 agencies and the U.S. Entity
  - Sovereign Technical Team – Technical Level – 5 tribal designees, 4 state designees, ~10 federal designees plus additional tribal, state, federal support staff as needed

Columbia Basin Tribes

15 tribes with management authorities and responsibilities affected by the Columbia River Treaty

Columbia Basin Tribes

- Columbia Basin tribes with management authority and responsibility come together to identify common issues with Treaty
  - Develop Common Views on Future of the Columbia River Treaty
  - Develop Goals and Objectives
- Columbia Basin tribes continue to meet and coordinate, sharing information and collaborating to the extent practicable on common issues
  - Tribal leaders meet in workshops/tours to review progress
- Columbia Basin tribes utilize Sovereign Participation Process with U.S. Entity to consult on common issues, with each tribe reserving the right to one-on-one consultations with Federal Government
  - Tribal leaders meet with U.S. Entity at least twice each

Tribal *Issues* with Columbia River Treaty – Common Views

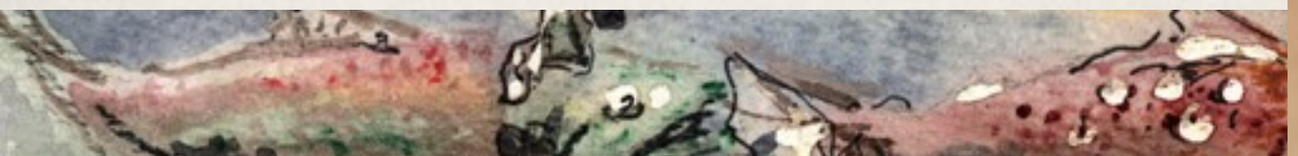
- No tribal consultation during negotiation of Treaty nor tribal representation during implementation of Treaty.
- Adopted hydropower and flood control as management goals, disregarding tribal cultural, fisheries and other ecosystem resources.
- Flood control plan degraded rivers, First Foods, natural resources and tribal customs and identities.
- After 2024, use of “called upon” requires “effective use” of U.S. reservoirs, increasing impacts on tribes’ resources
- Grand Coulee and Treaty projects built without salmon passage and eliminated salmon spawning habitat
- Benefits of Treaty system not shared with tribes

Tribal *Goals* for Columbia River Treaty – Common Views

- Respect for the sovereignty of each tribal government
- Tribal cultural and natural resources must be included in river management to protect and promote ecological processes, integrating the tribes' expertise of cultural and natural resources.
- Equitable benefits to each tribe in priority to other sovereign parties in Columbia River management.
- Respecting and preserving the benefits of settlement agreements with tribes.
- Recognize tribal flood control benefits.
- Protecting tribal reserved rights to current and future beneficial uses, in a manner consistent with ecosystem-based management.

Governance Seat at the table

- Tribal participation in the Treaty Review.
- Tribal representation on any negotiating team.
- Tribal representation on implementation and technical oversight committees of renewed/amended Treaty.



Ecosystem-based management approach

- Restore and preserve tribal resources and culture.
- Restore Spring freshets:
  - Helps to restore estuary,
  - Helps move fish.
- Minimize draw downs at upper reservoirs.

Collaborative flood risk management

- Keep reservoirs fuller, reduce reliance upon “effective use” and “called upon”
- Allow average spring peak flows at The Dalles to increase
- Allow higher flows annually in the estuary
- Modified flood risk management approach reduces payment to Canada

Restore and protect salmon passage to historical habitats

- Provide adult passage at Hells Canyon, Dworshak, Chief Joseph, Grand Coulee and at Canadian storage projects
- Provide modified passage devices at each structure for juvenile migration
- Address reservoir travel time issues

Transboundary Coordination – Columbia Basin Tribes and First Nations

- Columbia Basin tribes meet with First Nations from Canada to share issues and concerns about Treaty and to learn about their issues and concerns.
- Columbia Basin tribal leaders tour upper and middle basin with First Nation representatives to see issues first hand.
- Columbia Basin tribes and First Nations agree that:
  - Ecosystem based functions need to be part of river management under the Treaty.
  - Salmon should be restored throughout the basin over time.
  - Alternative management frameworks should be explored in future meetings.

Tribal Concerns Moving Forward

- Schedule leading to September 2014 should not result in lack of a completed ecosystem analysis
- Climate change analysis is needed for improved weather and runoff forecasting on both sides of the border
- USACE is reluctant to analyze scenarios that increase flows that may result in flood risks
- Tribes lack resources to fully participate and contribute their expertise
- Coordination with Canada and First Nations could be increased

Steps Forward:

- Sovereign Participation Process, or some variant, will likely continue beyond September 2014
- Treaty options are to continue, terminate or modify (enhance/modernize)
- Senate ratification needed for new treaty and potentially for major changes

Regional Consensus is Key to Success

Tribal elders taught us that if we take care of the salmon, the salmon will take care of us.